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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOSEPH LEIDER,

Defendant and Appellant.

E071560

(Super.Ct.Nos. INF1702040 &
INF1702069)

OPINION

APPEAL from the Superior Court of Riverside County. William S. Lebov, Judge.
(Retired judge of the Yolo Super. Ct. assigned by the Chief Justice pursuant to art. VI,
§ 6 of the Cal. Const.) Affirmed.

Arthur B. Martin, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

I

INTRODUCTION

Pursuant to a plea agreement, in case No. INF1702040, defendant and appellant Richard Joseph Leider pled guilty to felony unlawfully driving or taking a vehicle, to wit, a 2014 Dodge Dart (Veh. Code, § 10851, subd. (a)). In case No. INF1702069, defendant also pled guilty to two counts of felony unlawfully obtaining personal identifying information of another person (Pen. Code, § 530.5, subd. (a)). In return, the remaining allegations in both cases were dismissed, and defendant was sentenced to a total term of two years in county jail with 610 days of credit for time served. Defendant appeals from the judgment in both cases. Based on our independent review of the record, we find no error and affirm the judgment in both cases.

II

FACTUAL AND PROCEDURAL BACKGROUND¹

In June 2015, defendant willfully and unlawfully obtained personal identifying information of C.W. and J.A. and used that information for an unlawful purpose.

In July 2015, defendant unlawfully drove or took a 2014 Dodge Dart Aero without the consent of the owner and with the intent to deprive the owner possession of the vehicle.

¹ At the time defendant pled guilty in both cases, the parties stipulated there was a factual basis for the pleas. Further, on both plea forms, defendant initialed line C.6., which states, “Factual Basis: I agree that I did the things that are stated in the charges that I am admitting.” Accordingly, as the record does not contain a probation or police report, the factual background is taken from the felony complaints.

On October 22, 2016, defendant willfully and unlawfully obtained personal identifying information of D.S. Defendant then forged D.S.'s signature on a check in the amount of \$189.98.

On January 29, 2017, defendant again willfully and unlawfully obtained personal identifying information of D.S. and used that information for an unlawful purpose.

On November 20, 2017, the Riverside County District Attorney's office filed two separate felony complaints, each charging defendant with four theft-related offenses.

In case No. INF1702040, the complaint alleged that defendant committed two counts of unlawfully obtaining personal identifying information of C.W. and J.A. (Pen. Code, § 530.5, subd. (a); counts 1 and 2); one count of unlawfully driving or taking a vehicle, to wit, a 2014 Dodge Dart Aero (Veh. Code, § 10851, subd. (a); count 3); and one count of receiving a stolen vehicle, to wit, a 2014 Dodge Dart Aero (Pen. Code, § 496d, subd. (a); count 4).

In case No. INF1702069, the complaint alleged that defendant committed two counts of unlawfully obtaining personal identifying information of D.S. (Pen. Code, § 530.5, subd. (a); counts 1 and 4); one count of forging D.S.'s signature (Pen. Code, § 470, subd. (b); count 2); and one misdemeanor count of unlawfully possessing a completed check in the amount of \$189.98 (Pen. Code, § 475, subd. (c); count 4).

On September 13, 2018, pursuant to a negotiated disposition in both cases, defendant pled guilty to count 3 (vehicle theft) in case No. INF1702040, and counts 1 and

4 (identity theft of D.S.) in case No. INF1702069.² In exchange, defendant was promised that the remaining allegations would be dismissed, and he would be sentenced to a total stipulated term of two years in county jail with credit for time served. After directly examining defendant, the trial court found that defendant knowingly, intelligently, and voluntarily entered into the pleas and that there was a factual basis for the pleas. Immediately thereafter, defendant was sentenced in accordance with his plea agreement to two years in county jail in both cases, to run concurrently to each other. Defendant was awarded 610 days of presentence credit for time served (305 actual days, plus 305 conduct). The remaining allegations were dismissed.

On October 26, 2018, defendant in pro propria filed a notice of appeal, claiming the trial court abused its discretion in denying his motion to dismiss both cases for denial of his speedy trial rights. He also alleged that the loss was less than \$950 and should have been a misdemeanor.

On November 5, 2018, defendant's appellate counsel filed an amended notice of appeal "based on the sentence or other matters occurring after the plea."

III

DISCUSSION

After defendant appealed, upon his request, this court appointed counsel to represent him. Upon examination of the record, counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386

² On this same day, in an unrelated matter, defendant also pled guilty to misdemeanor theft or unauthorized use of a vehicle.

U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issue, and requesting this court conduct an independent review of the record.

We offered defendant an opportunity to file a personal supplemental brief, and he has not done so.

An appellate court conducts a review of the entire record to determine whether the record reveals any issues which, if resolved favorably to defendant, would result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442; *People v. Feggans* (1967) 67 Cal.2d 444, 447-448; *Anders v. California, supra*, 386 U.S. at p. 744; see *People v. Johnson* (1981) 123 Cal.App.3d 106, 109-112.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the entire record for potential error and find no arguable error that would result in a disposition more favorable to defendant.

IV

DISPOSITION

The judgment is affirmed in both cases, Nos. INF1702040 and INF1702069.

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CODRINGTON
J.

We concur:

MILLER
Acting P. J.

SLOUGH
J.